



Arizona Department of Education
Tom Horne, Superintendent of Public Instruction

What Arizona Schools Need to Know About Children in Care

A Guide for Teachers, Administrators,
Foster Parents, and Case Managers



A message from Superintendent Horne

More than 9,000 children live in foster care in Arizona. Children are removed from the care of their parents primarily because of abuse or neglect by the parent as a result of complex family, social, and environmental conditions. It is estimated that 80% of these cases involve alcohol or other drug abuse.

Often times, when a child is placed in a foster home, he/she will be enrolled in a new school. The odds are that in the next month, you will meet a foster child wishing to attend your school. Nearly all of these children have suffered trauma or maltreatment.

Schools can be an important source of stability for children with tumultuous home lives. Foster children need to believe they are welcome in school, are treated the same as their classmates, and are safe.

Foster children often must be enrolled on short notice with little documentation.

There are many systems that play an important role in the lives of foster children; the school is one of the most important.

Best regards,

A handwritten signature in dark ink that reads "Tom Horne". The signature is written in a cursive, flowing style.

Tom Horne
Superintendent of Public Instruction

What legal issues do districts and charter holders need to KNOW?

- Many children and youth in foster care are eligible for services under the McKinney-Vento Act. Those eligible have a right to remain in their same school, even if they move outside that school's attendance boundaries. [722(g)(3)(B)(i) of the ACT] (42USC 11432)
- Schools should make every effort to immediately enroll foster children, even if the foster child is unable to produce records (including immunization) or clothing normally required for school enrollment. (ARS 15-828*)
- School records for foster children must be requested from the previous school within five school days of enrollment. (ARS 15-828.F*)
- The previous school must forward school records of foster children within 10 school days of the request. (ARS 15-828.F*)
- Schools must provide the education surrogate access to any of a child's records (including but not limited to report cards, progress/behavior reports and I.E.P. goals) to ensure the representative has adequate knowledge to represent the child and make educational decisions in the child's best interest. (34 CFR 300.515(e)(1)(2)**)
- The education surrogate parent has the same rights and responsibilities as a biological parent or guardian in special education matters relating to the student, including the right to represent the student with regard to identification, evaluation, and educational placement.
- If a student already qualifies for special education services and has an Individualized Education Program (IEP), immediately place the student in an educational setting most similar to the IEP, pending review by a new IEP team convened by the new school. (IDEA 2004-20 USC 1401 et seq**)

- A district may not withhold sending records to another district for any financial debt owed by the pupil.
(ARS 15-828.F*)
- If the child's residential placement is changed, the child's grades and credits must be calculated as of the date the child left school. No lowering of grades will occur as a result of a change of placement. Partial credits must be calculated.
(Department of Education policy, not law)
- If the child is absent from school due to a verified court appearance or related court ordered activity, the absence should be treated as any other excused absence.
- Local educational agencies (LEAs) must provide students experiencing homelessness with transportation to and from their school of origin, at a parent's/ guardian's/liaison's request.
(McKinney-Vento**, as determined in paragraph (3)(A) [722(g)(1)(J)(iii) of the ACT]) (42 USC 11432(g)(1)(J)(iii))
- All school districts must designate a staff person as the homeless youth education liaison. This liaison has very specific duties that must be completed for every incoming foster child in the district.
(McKinney-Vento**, as described in paragraph (6)(A) [722(g)(1)(J)(ii)] (42 USC 11432(g)(1)(J)(ii) and (g)(6))
- According to IDEA regulations, even though the CPS case manager is the child's guardian, it is a conflict of interest for the case manager to sign as the parent/ guardian on an IEP or otherwise serve as a special education "parent" under IDEA.

*State statute can be accessed at <http://www.azleg.state.az.us/>

**Federal references can be accessed at <http://www.ed.gov/policy/>

What should I do when the case manager calls?

Periodically, the case manager is required to file a report with the court regarding each of the children on his/her caseload. This report should include information about the child's school attendance and performance. The case manager is legally entitled to all information about the child allowable under the Family Educational Rights and Privacy Act (FERPA). Confirm that the case manager is who he/she says he/she is. An official ID should be available.

Answer any questions that individual may pose about the student.

Relate positive experiences you may have had with the child.

Tell the case manager about concerns you may have about the child.

Ask to be notified of court dates and medical appointments that may take the child out of school or cause emotional upheaval, even if only temporarily.

Invite the case manager to attend upcoming school events, conferences, and multidisciplinary team or IEP meetings.

What else should I know?

Share the child's status as a foster child only with those who need to know; otherwise, keep the child's status confidential, unless you have the child's permission. Many foster children hide from their peers the fact that they are in the child welfare system. Even though adults may understand that it is not the child's fault that they are in foster care, your student may not want anyone to know.

Create an environment that makes the student feel included and safe. The school may be the only place the child feels safe.

Ask the care giver to include the case manager's name and phone number on the emergency card.

Ask the care giver to let the school office know if any changes occur, including a change in the case manager.

Encourage the student to participate in extracurricular activities. Under the law, fees may be waived or reduced.

Offer any available tutoring services to the student. Because of frequent school changes, the student may be behind in class work.

Ask the case manager to work with you to identify all available resources to assist both you and your student.

Remember, foster children are eligible for the free lunch program.

Who are the adults involved in a foster child's life?

Biological Parent

Care Giver –

An identified adult who provides 24 hour care to a dependent child. This could include a relative or non-relative, legal guardian, or licensed foster parent.

Case Manager –

A professional employed or contracted by the Arizona Department of Economic Security to provide social services to eligible children and families. A case manager's responsibilities include the establishment of a case plan, determination and arrangement of appropriate services, evaluation of progress, and making recommendations to the juvenile court and other agencies.

Court Appointed Attorney –

An attorney appointed by the Juvenile Court to represent a child in a court proceeding.

Court Appointed Special Advocate (CASA) –

A volunteer who develops a caring, positive relationship with a child who has been removed from the home because of abuse, neglect, or abandonment. Appointed by a juvenile court judge, a CASA volunteer is specially trained to speak out for the best interest of the child.

Education Surrogate –

An individual trained by the Department of Education or other approved agency, and designated (or appointed) by a court, to advocate for the child's educational needs as related to special education or exceptional student services.

Foster Parent(s) –

Any adult individual or individuals maintaining a licensed foster home.

Probation Officer –

An official who works within a judicial framework to provide services to individual juveniles and their families.

Special Education Representative (aka IDEA Parent) –

An individual who represents the special education interests of a child. This person cannot be the case manager or anyone employed by a group home which has responsibility for the child. This individual may be a parent, a relative or stepparent with whom the CPS child resides, a court appointed permanent legal guardian, a foster parent in some instances, or an education surrogate.

Contacts

Arizona CASA Program 602-542-9683
(CASA – Court Appointed Special Advocate)

ADE Homeless Section 602-542-4963

ADE Migrant Section 602-542-3100

ADE Refugee Section 602-542-7463

Arizona Department of Juvenile Corrections 602-542-4302

Arizona Out of School Time Network 602-234-3941

DES Division of Children, Youth & Families 1-877-kidsneedu

Casey Family Programs

Phoenix 602-252-9449 or 1-877-840-9135

Tucson 520-323-0886 or 1-877-258-3106

County Juvenile Probation Departments

Apache 928-337-7549

Cochise 520-432-7523

Coconino 928-226-5414

Gila 928-474-2242

Graham 928-428-3955

Greenlee 928-865-4184

La Paz 928-663-6188

Maricopa 602-506-4011

Mohave 928-753-0741

Navajo 928-524-4197

Pima 520-740-2005

Pinal 520-866-7065

Santa Cruz 520-375-7740

Yuma 928-314-1814



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